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1/26/2009

16 AF

AMENDMENT TRANSMITTAL LETTER				After Final Rejection	
Application No. 09/996,954		Filing Date November 30, 2001		Examiner A. L. Holleran	
				Group Art Unit 1643	
Applicant(s): Harlan W. Waksal				Docket No. IMCLON 3.0-003 PCCI	
Invention: TREATMENT OF REFRACTORY HUMAN TUMORS WITH EPIDERMAL GROWTH FACTOR RECEPTOR ANTAGONISTS					
<b>TO THE COMMISSIONER FOR PATENTS</b>					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	29	- 37 =	0	x 52.00	0.00
Independent Claims	3	- 3 =	0	x 220.00	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					0.00
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity					
<input checked="" type="checkbox"/> No additional fee is required for this amendment.					
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.					
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge and credit Deposit Account No. <u>12-1095</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
<u>Andrea Jo Kamage</u> Andrea Jo Kamage Attorney Reg. No. 43,703				Dated: <u>November 26, 2008</u>	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP 600 South Avenue West Westfield, New Jersey 07090 (908) 654-5000					
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.					
Dated: November 26, 2008			Signature: <u>Andrea Jo Kamage</u> (Andrea Jo Kamage)		

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Dated: November 26, 2008 Signature:

*Andrea J. Kamagi*  
(Andrea J. Kamagi)

**EXPEDITED PROCEDURE**

Group Art Unit: 1643

Docket No.: IMCLON 3.0-003 PCCI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: :  
: Harlan W. Waksal :  
: Application No.: 09/996,954 : Group Art Unit: 1643  
: Filed: November 30, 2001 : Examiner: A. L. Holleran  
: For: TREATMENT OF REFRACTORY HUMAN :  
: TUMORS WITH EPIDERMAL GROWTH :  
: FACTOR RECEPTOR ANTAGONISTS :

AMENDMENT UNDER 37 C.F.R. § 1.116

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated August 26, 2008, finally rejecting claims 71-79, 81-87 and 89-102, please amend the above-identified U.S. patent application as follows: